



Appeal Decision

Hearing held on 20 July 2021

Site visit made on 21 July 2021

by Patrick Whelan BA(Hons) Dip Arch MA MSc ARB RIBA RTPI

an Inspector appointed by the Secretary of State

Decision date: 23 August 2021

Appeal Ref: APP/J0405/W/20/3265403

Hillhead Farm, Pitchcott Hill, Pitchcott HP22 4HT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr R Hunter against Buckinghamshire Council.
 - The application, Ref 20/01321/APP, is dated 22 April 2020.
 - The development proposed is the change of use of land for siting of temporary mobile home for a period of 3 years.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The National Planning Policy Framework (the Framework) was revised on the same day as the Hearing, its publication coming to light after the event had closed. Both parties were given the opportunity to comment on any implications for the appeal.
3. The Council's emerging Local Plan, the Vale of Aylesbury District Local Plan (eLP) has reached an advanced stage towards adoption. It has completed its examination in public. There are no unresolved objections, and no modifications outstanding. The Inspector's final report is awaited. In accordance with the Framework, I accord its policies significant weight.

Main Issues

4. While the Council did not determine the planning application, it indicated the reasons for which it would have refused permission had it been in a position to do so. From these, and after everything I have heard and seen, the main issues are:
 - the effect of the development on the Area of Attractive Landscape; and,
 - whether the development would meet the criteria for a rural worker to live at or near their place of work in the countryside.

Reasons

The Area of Attractive Landscape

5. The large field in which the mobile home would stand is part of an expansive patchwork of agricultural fields enclosed by boundaries of hedgerows with
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- mature trees, or by narrow, winding lanes. The field slopes up from the road of Pitchcott Hill, its east boundary, along both sides of which are scattered a handful of houses, forming the hamlet of Pitchcott. The field reaches west to a broad ridge which is enclosed by a mature hedgerow and the group of buildings of Pitchcott Hill Farm, the tree-lined track to which encloses this field to its north. A timber fence encloses the southern boundary shared by another field.
6. The rolling landform of the wider area makes the characteristic pattern of development of nucleated clusters of houses and villages and isolated farmsteads in an expansive network of irregular shaped, agricultural fields a prominent feature of the landscape. This distinctive settlement pattern and landscape character is visible in views into and out of Pitchcott, including the field of the appeal site, which is crossed by two public rights of way.
 7. The area has been designated as an Area of Attractive Landscape (AAL) in the Aylesbury Vale District Local Plan 2004 (LP). The Council's 2008 Landscape Character Assessment¹ identified the area as having a high sensitivity and a distinctive character, derived from the relationship of the ridge to the surrounding landform, with visibility increasing with the elevation of the ridge above the lower slopes to the north, and the Vale to the south.
 8. While preparing its new Local Plan, the Council commissioned a further Landscape Character Assessment² (LCA) of the landscape designations in the district. As well as spectacular panoramic views from frequent vantage points providing picturesque views across the undulating rural and agricultural landscape, this study describes the strong sense of rural tranquillity, openness, and the coherent landscape character. A lack of intrusion from developments that are out of character gives prominence to the landscape character and landform, a sense of unity of agricultural land use and a visual character of scattered hilltop villages, it concludes.
 9. I saw at my site visit that, unlike the houses in Pitchcott, the majority of which tend to cluster alongside the road, the proposed dwelling would be sited a substantial distance back from the road, and behind these houses which define the settlement pattern in this hamlet. Its central position in the field would disconnect it from the characteristic, linear pattern of development in Pitchcott.
 10. There was much debate at the Hearing over the track that would lead to the proposed dwelling from the road, and whether it would need planning permission. At my visit, save for aggregate laid over the section close to the road, the indicated route to the proposed dwelling has had little visual impact on the terrain. However, with the use of the track providing access to a family dwelling, whether it would have an artificial surface or not, it is likely through wear or surfacing or deformation in poor weather to become a prominent and uncharacteristic feature of the landscape, emphasising the incompatibility of

¹ Aylesbury Vale District Council & Buckinghamshire County Council Aylesbury Vale Landscape Character Assessment by JE Jacobs, May 2008

² Defining the special qualities of local landscape designations in Aylesbury Vale District by LUC, March 2016

the siting of the proposed dwelling in the context of the distinctive settlement form.

11. While there is no floor plan or site plan showing the footprint, layout, or siting of the proposed dwelling, the domestic paraphernalia which would likely accompany domestic occupation, such as garden furniture, refuse bins, play or sports equipment, as well as vehicles and parking, is likely to exacerbate the adverse effect of the dwelling's uncharacteristic position close to the centre of a field.
12. I understand the appellant's desire to avoid potential conflict with neighbours by not siting the dwelling closer to the road, and I have taken into account the position of the Pitchcott Hill Farm buildings which are more remote from the cluster of dwellings in Pitchcott. Notwithstanding the position of the hay barn proposed in this field, which has not been built, from what I could see, the farmsteads in the area tend to be sited close to roads or access points into fields, or sited centrally in far larger land holdings, or positioned with some functional agricultural purpose, rather than being sited close to the centre of a field, in isolation. Tree and hedge planting could soften some of the impact of the effects of the occupation of the development by enclosing it. It could not, however, mitigate the harm from the disruption to the distinctive pattern of development in this area by the uncharacteristic and conspicuous siting of the dwelling.
13. For these reasons, I conclude that the proposal would cause significant harm to the landscape character of the area. It would conflict with saved LP policies RA.8 and GP.38 which resist development that would adversely affect the character of the AALs unless mitigation measures can be secured, as well as including landscape proposals to help buildings fit in with and complement their surroundings. It would be at odds too with saved LP policy GP.35 which requires development to respect and complement the physical characteristics of the site and the surroundings, as well as and the natural qualities and features of the area.
14. The proposal would also run against policies NE4 and BE2 of the eLP. These require development to respect and complement the physical characteristics of the site and its surroundings, to recognise the character and distinctiveness of the landscape character areas set out in the LCA, their sensitivity to change, and their contribution to a sense of place, to minimise impact on visual amenity and to respect local character and distinctiveness in terms of settlement form, field pattern and topography, and to ensure that development is not visually prominent in the landscape.
15. The proposed development would also be at odds with the Framework, which indicates in paragraph 174, that decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and recognising the intrinsic character and beauty of the countryside.

Rural worker

16. Planning policy context: The Local Plan allows limited development at settlements that have some community facilities and are reasonably accessible, which it lists. Pitchcott does not appear as one of these settlements. Policy S2 of the eLP sets out a settlement hierarchy to concentrate growth in sustainable locations. The hamlet of Pitchcott is too small to be considered as an 'other settlement'. In the rural area, which is where the appeal site lies, the policy seeks to strictly limit housing, indicating that it is likely to be incremental infill. Policy S3 of the eLP says that aside from the development of allocated sites and proposals meeting policies to support thriving rural communities, categories of development for which no representations were made, new development in the countryside should be avoided.
17. Given the substantial separation of the proposed dwelling from the dwellings along Pitchcott Hill and from the buildings at Pitchcott Hill Farm, the development could not be considered as infill. In the context of the rising topography of the land around the site, and the distance to other buildings, the proposed dwelling would be spatially isolated. It would be isolated too from the nearest settlements with services and facilities, the narrow roads leading to which, lacking continuous footways and streetlighting, would deter future occupiers from walking and cycling.
18. Notwithstanding the school bus, which I heard stops in Pitchcott, given the limited availability of public transport, future occupiers and visitors, and especially those less able, or those transporting children, would be reliant on the use of private vehicles to access other services and facilities. This would bring the development into conflict with the sustainable development objectives of the settlement hierarchy.
19. Notwithstanding this, eLP policy H3 allows temporary rural workers' dwellings in a location where a permanent dwelling would not be permitted. The Framework too, which indicates in paragraph 80 that the development of isolated homes in the countryside should be avoided, also indicates an exception where there is an essential need for a rural worker to live permanently at or near their place of work in the countryside. Policy H3 sets out seven criteria to be satisfied to allow a temporary rural worker dwelling. They reflect the considerations given in the Planning Practice Guidance (PPG) to take into account when applying paragraph 80 of the Framework.
20. At the Hearing, there was no dispute that the proposal met four of the eLP policy H3 criteria; that the need relates to a full-time worker; that the need could not be fulfilled by other means; that accommodation has not been sold; and that the dwelling could take the form of a caravan or a wooden structure. The difference between the parties lies in the other criteria; the functional need, the future economic viability of the enterprise, and the siting of the dwelling.
21. The functional need (land availability): Over a 3-year period, the appellant intends to expand his herd of suckler cows from 66 in year 1 to 110 in year 3.

- The field around the appeal site would become a kind of year-round nursery, with pregnant cows brought there throughout the year, at least 4 weeks before calving, and moved off to other land held by the appellant 2 to 4 days after giving birth.
22. To reduce the risk of calving fatalities, which can happen during the night as well as the day, close surveillance and rapid intervention is necessary. The present arrangement involves the appellant travelling from his home 3 miles away. This, he claims, is too great a distance to be able to respond to emergencies, and this risks the sustainability of the enterprise as well as the health and safety of the appellant from travelling during long days over sustained periods. The appellant insists that a dwelling beside this nursery is necessary with a herd of 66 cows, even more so when it grows to 110.
23. The Council accepts that an enterprise calving down 100-110 cows at Hillhead Farm throughout the year could justify an essential need to live on-site. However, while it accepts that a stocking rate of 1 cow/acre, or 4 cows here, may be acceptable, it considers that the size of this field is too small to accommodate the nursery when the herd reaches 110, at which point the average stocking rate would reach 6.25 cows+calves/ha. It considers that this would be far in excess of the average stocking rate of 1.5 cows/ha normally assumed. This would jeopardise animal health, soil condition, and nitrogen levels, as well as being unsustainable in an open holding in all seasons. However, the appellant's vet insists that the average stocking rate is for rotational grazing. With feed supplement, between 10 and 15 cows could be held here without ill-effects, in his opinion.
24. Neither party has provided any substantive, technical evidence or independent reference to justify their opposing positions on stocking rates and any effects, instead relying on their extensive farming experience and professional judgement. In these circumstances, and without detailed evidence or independent data to support the Council's position on stocking and its effects here, I cannot but find the appellant's stocking rate reasonable because there is no sustainable challenge to it. On the basis of the evidence submitted then, I can only conclude that there would be sufficient land at Hillhead Farm when the herd grows to 110 cows, to sustain it as a nursery.
25. The functional need (operations): I give little weight, in terms of functional need, for constant supervision against fire as the cattle would not be housed in a building. As the proposal is for a nursery, the relevance of bull security is unclear. Similarly, the security of animals, the majority of which would be kept off-site, and the well-being of personnel, could be monitored by cameras or remote working protocols. Early rising, which here would be to receive goods or to load livestock, is a condition of working life. It does not justify a dwelling here.
26. The enterprise is based on a herd of 66 suckler cows in year 1, growing to 110 in year 3. In year 1, the number of births would be around 5 or 6 every month, or around 1 every 5 or 6 days. The management of this would not

- justify constant day and night close attendance to the degree that a dwelling here would be necessary.
27. However, by year 3, the herd will nearly double to 110 cows, when around 9 or 10 every month would be calving. Given the risk of difficult births, and the complications which can arise and may need immediate attention, and close supervision thereafter, without a dwelling in close proximity the welfare of this number of calving animals would be at risk as well as the productivity and profitability of the enterprise.
28. The Council offered no substantive evidence against the functional need in terms of operations of a herd with 110 cows using Hillhead Farm as a nursery. Rather, its position was that the holding at Hillhead Farm was too small to sustain the size of the proposed enterprise. On the basis of the model with 110 cows calving here, the supervisory requirements of the stock do justify a functional need, in terms of its operations, for a worker to live in the immediate vicinity of their place of work. The test in policy H3(b) is met.
29. Future economic viability: Policy H3 of the eLP also requires that the future economic viability of the enterprise can be demonstrated by a sound business plan. Financial projections have been shown over a 3-year period. These indicate a net profit in year 1 of £25,354, in year 2 of £27,244 and in year 3, after adjustment for the cost of the dwelling, of £22,907.
30. However, whereas the appellant's planning statement states that the labour requirement would equate to more than that carried out by a full-time worker, indicating that labour would be provided by Mr and Mrs Hunter, the allowance for paid labour in the projections is less than £3,000 per year. The appellant indicated that managing the present herd can already require him to work 80 to 100 hours per week, with the assistance of a son at the busiest times. There is no allowance included for the projected labour requirement, whereas the Council indicated that the average wage for a farm worker is £16,500 per year.
31. As the herd expansion reaches 110 cows in year 3, it is unlikely for the enterprise based on this model to be sustainable as a single-handed operation. I appreciate that the appellant may cover labour costs from the profit. However, the enterprise would not be viable, especially at year 3, when the adjustment for the cost of the dwelling is factored in. The proposal would therefore conflict with the requirement in eLP policy H3 for the future economic viability of the enterprise to be demonstrated by a sound business plan.
32. Moreover, I heard that the projected gross profits do not incorporate the changes to the Basic Payment Scheme, which will diminish progressively to year 3, reducing by 50% the allowance in year 3. If this is the case, this will further reduce the availability of profit to meet labour costs. I appreciate that alternatives to the Basic Payment Scheme may materialise. However, there is no evidence of these, or their effect on the gross profit of the enterprise. This factor would compound the viability conflict identified above.

33. I note that hay sales could add to turnover. However, there are no details of where this would come from, whether it is connected with this enterprise and the essential need for a dwelling here, the effect on profit, nor any account of the cost of the hay barn which has not yet been built. I acknowledge that the average price per head may increase. However, prices can fluctuate in both directions. In any event, the projected returns are based on the appellant's own price assumptions.
34. I recognise the long dedication of the appellant to farming, his success with the herd and his care for the animals as well as the desire to expand his enterprise. However, in accordance with the PPG, I have to be confident that the proposed enterprise will remain viable for the foreseeable future. For the reasons above, it has not been demonstrated that the future enterprise has been planned on a sound financial basis with a reasonable prospect of delivering a sustainable profit by the end of the temporary period, as required by eLP policy H3(f).
35. Siting of the proposed dwelling: I have already found that the siting of the dwelling would cause significant harm to the landscape character of the area which is an Area of Attractive Landscape. Its isolated siting towards the centre of the field would disrupt the balanced, spatial relationship between the remote buildings of Pitchcott Hill Farm above the field, and the characteristic pattern of development of the dwellings in the hamlet which tend to hug the road through Pitchcott Hill, below the field. The proposal would not satisfy criterion (d), siting, of eLP policy H3.
36. Summary rural worker: There would be a need for a full-time worker to operate the enterprise at Hillhead Farm, and a functional need in connection with those operations for a dwelling which could not be fulfilled by any other means. No accommodation has been sold off, and the dwelling could take the form of a caravan or wooden structure. These criteria, (a),(b),(c),(e), and (g) in eLP policy H3 are satisfied. However, the future economic viability of the enterprise, criterion (f), has not been demonstrated, and the siting of the dwelling, criterion (d), would not relate to existing farm buildings or to the other dwellings adjacent to the unit.
37. I conclude, therefore, that the proposed development would not meet the criteria for a rural worker to live at or near their place of work in the countryside as set out in eLP policy H3 which allows temporary permissions in locations where a permanent dwelling would not be permitted. It would conflict too with the settlement hierarchy and development distribution policies S2 and S3 of the eLP, as well as the Local Plan. Nor would it amount to the exception to the development of isolated homes in the countryside as set out in paragraph 80(a) of the Framework.

Other Matter

38. While no detailed site plan has been submitted, I note that the Council's Highways section considered adequate access, parking and manoeuvring would be provided, subject to a condition for construction standards at the access point onto the public highway. I can see no conflict with the Council's parking

requirements or unacceptable transport impacts, and no conflict with LP policy GP.24 and eLP policies T5 and T6.

Planning Balance

39. The proposal would support the expansion of a rural enterprise and contribute to the economy through the supply of food and the commissioning of agricultural services and supplies, in line with the Framework's support for the development of agricultural businesses indicated in paragraph 84. This benefit attracts significant weight. It would also provide the social benefit of an additional dwelling to housing supply, though the weight I accord a single dwelling for 3 years is very limited.
40. However, and notwithstanding the temporary nature of the permission sought, its siting would cause significant harm to the Area of Attractive Landscape, a harm to which I attribute substantial weight. Moreover, as an essential need for the proposed dwelling has not been demonstrated, the dwelling's isolated location in the countryside, without good access to services and facilities, and where future occupiers would be reliant on the private car, would conflict with the settlement strategy in the development plan as well as with the Framework which emphasises the need to promote sustainable rural development and to avoid the development of isolated homes in the countryside. I give this conflict significant weight.
41. Overall, I find that the harm from the development would outweigh its benefits. It would conflict with the development plan when read as a whole, and there are no material considerations that indicate the decision should be taken other than in accordance with the development plan.

Conclusion

42. For the above reasons, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Patrick Whelan

INSPECTOR

Appearances

FOR THE APPELLANT:

Mr Robert Hunter
Mr Jonathan Goodson
BSc (Hons) BVetMed MRCVS
Mr Michael Harris BSc

Appellant
Veterinary Surgeon, Larkmead Farm Vets

FOR THE LOCAL PLANNING AUTHORITY:

Mrs Rebecca Jarratt MA
Mrs Jill Scrivener BIAC

Senior Planning Officer, Buckinghamshire Council
Bourne Rural Planning Consultancy